(30)

HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM: HON'BLE SHRI JAGDISH BHALLA, Ag. CJ. &
HON'BLE SHRI DILIP RAOSAHEB DESHMUKH, J.

Miscellaneous Appeal (C) No. 754 of 2007

APPELLANTS
Applicants

1. Smt. Maheshiya Bai aged about 25 years, W/o late Nakshhed Dhruv
2. Shri Durgesh Dhruv aged about 9 years, S/o late Nakchhed Dhruv
3. Shri Mukesh Dhruv aged about 7 years, S/o late Nekchhed Dhruv.
4. Ku. Mamta Dhruv aged about 5 years, D/o late Nakchhed Dhruv

(No. 2 to 4 are minor, represented by mother, natural guardian, Maheshiya Bai)

5. Smt. Dukalhin Dhruv, agead about 60, W/o Mantram Dhruv
6. Shri Mantram Dhruv, aged about 65 years, S/o late Mohan Dhruv,

(All R/o gram - Patpura, Chouki Maro, Thana - Nandghat, Distt. Durg (C.G.)

VERSUS

RESPONDENTS :
Non-applicants

1. Radheshyam Verma, aged about 32 years, S/o Hariram Verma, R/o - Gram-Patpura, Chouki Maro, Thana - Nandghat, Distt. Durg. (C.G.). Driver & Owner of the vehicle.
2. The Oriental Insurance Co. Ltd. Kachahari Chouk, Madina Manzil, C/o Branch Office, Rajiv Plaza, Bus Stand, Bilaspur, (C.G.) {Bima Co.}

Appeal under Section 173 of Motor Vehicle Act, 1988

Present : Shri B.R. Ghosh with Smt. Meera Jaiswal counsel for the appellants.

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ORAL ORDER
(Passed on 09th July, 2007)

The following oral order of the Court was passed by **Dilip Raosaheb Deshmukh, J.**

Heard.

The sole point urged by learned counsel for the appellants in this appeal for enhancement of compensation of Rs.4,00,000/- awarded by the M.A.C.T. Bilaspur in claim case No. 403 of 2006 in a case of accidental death of one Nakchhed aged about 20 years is that learned Motor Accident Claims Tribunal, Bilaspur erred in assessing monthly income of the deceased as Rs.2,500/-. Upon perusal of impugned award, we find that no independent evidence was led by the claimants / appellants to prove actual income of the deceased. Evidence of the claimants was in contradiction ~~from~~ to the testimony of non-applicant No.1 who deposed that the deceased was a labourer. In this view of the matter, learned Tribunal has rightly assessed Rs.2,500/- as monthly income of the deceased. The Tribunal was thus wholly justified in taking the daily income of the deceased at Rs.100/- and assessing the monthly income on the basis of 25 working days at Rs.2500/-. The break up of the compensation awarded by the Tribunal is as follows:

i)	Loss of dependency	:	Rs.3,60,000/-
ii)	Loss of consortium	:	Rs. 15,000/-
iii)	Loss of love and affection	:	Rs. 15,000/-
iv)	Loss of estate	:	Rs. 7,000/-
v)	Funeral expenses	:	Rs. 3,000/-
	Total	:	Rs.4,00,000/-

In this view of the matter, we are of the considered opinion that the compensation awarded by the Tribunal is justified and reasonable compensation and calls for no interference in this appeal. Accordingly, we do not find any merit in this appeal, which is dismissed at the stage of admission itself.

Sd/-
Ag. Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

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